

Docket No.: 219736US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/091,317
Applicants: Carole GUIRAMAND
Filing Date: March 6, 2002
For: COMPOSITION CONTAINING A STEROID AND A
LIPOSOLUBLE UV FILTER
Group Art Unit: 1617
Examiner: E. Webman

SIR:

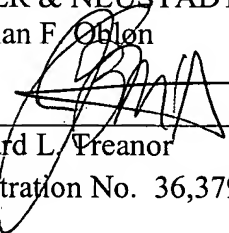
Attached hereto for filing are the following papers:

RESPONSE TO REQUEST FOR ELECTION OF SPECIES

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

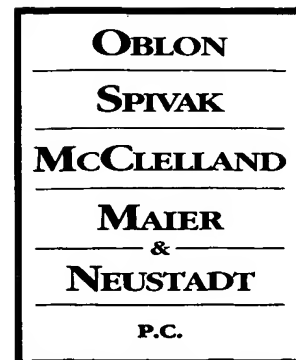

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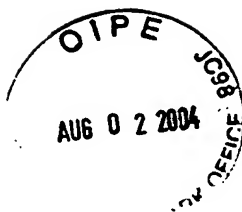


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Docket No.: 219736US0



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :

Carole GUIRAMAND : EXAMINER: E. WEBMAN

SERIAL NO.: 10/091,317 :

FILED: MARCH 6, 2002 : GROUP ART UNIT: 1617

FOR: COMPOSITION CONTAINING A STEROID
AND A LIPOSOLUBLE UV FILTER

RESPONSE TO REQUEST FOR ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement mailed July 1, 2004, Applicant elects, with traverse, the hydrosoluble UV filter species set forth in (2) of claim 15: benzimidazole or benzoxazole filters. Of the claims not previously withdrawn from consideration, at least claims 1, 3-7, 10, 12-15, 17 and 19 read on the elected species. All of the currently withdrawn claims also read on the elected species.

Remarks begin at page 2 of this paper.

Application No. 10/091,317
Response to Office Action dated July 1, 2004

REMARKS

Applicant has provisionally elected, for initial search and examination purposes only, the species of benzimidazole or benzoxazole filters. However, the election of species requirement is traversed.

The reason underlying the designation by the Office of hydrosoluble UV filters species as patentably distinct is not explained in sufficient detail or by example, and as such represents only a conclusion. Accordingly, division of these species is unsupported and improper.

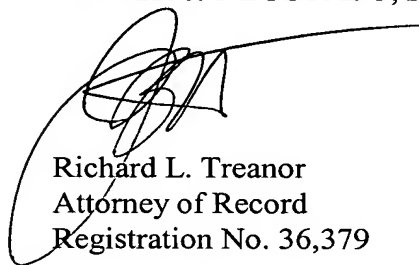
Moreover, Applicant respectfully submits that even assuming the benzimidazole or benzoxazole filters are materially different from the other hydrosoluble UV filters, the search for both types of filters would occur in the same classes/subclasses due to the presence of the claimed DHEA derivative in both. Thus, no burden would be placed on the Office in searching and/or examining all claims together. Accordingly, the Election of Species Requirement is traversed.

Application No. 10/091,317
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Applicant respectfully submits that the above-identified application is now in
condition for examination on the merits.

Respectfully submitted,

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